

**REMARKS**

This is a response to a non-final Office Action (Paper No. 20061111) mailed on November 16, 2006. Reexamination and reconsideration are respectfully requested.

**Status of Claims**

Claims 1-6, 14-24 and 26-41 are pending.

Claims 16, 18-19, and 39-40 are rejected under 35 U.S.C. §102(e) as being anticipated by Reynolds *et al.* (US No. 5,784,549).

Claims 22, 23, 26, 27, 30, 34, 35, and 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Reynolds *et al.* in view of Jeon *et al.* (US No. 6,122,734).

Claim 24 is rejected under 35 U.S.C. §103(a) as being unpatentable over Reynolds *et al.* in view of Jeon *et al.* and further in view of Meyers *et al.*

Claims 1, 2, 14, 38, and 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Myers *et al.* (US No. 6,170,055) in view of McGill, III *et al.* (US No. 5,469,573).

Claims 3, 15, 20, 21, 28, 29, 31-33, and 36 are objected to as being dependent upon a rejected base claim.

Claims 4-6 are allowed. Applicant appreciates the Examiner's notice of allowance.

**Clarification of the Status of Claim 17**

The status of claim 17 is not clearly stated in the present Office Action. In the last Office Action mailed on June 2, 2006, the Examiner stated claim 17 was allowable, but in the present

Office Action, claim 17 is marked as being rejected in Office Action Summary (page 1 of the present Office Action), but reasoning for the rejection is not provided. It's not clear whether claim 17 is allowed or rejected.

Claim 19 depends from claim 17. Claim 19 is rejected and the Examiner provided reasoning for the rejection of claim 19. As the status of claim 17 is not clear, the status of claim 19 is not clear either. Clarification under 37 C.F.R. § 1.104 is respectfully requested to clearly state the status of claims 17 and 19.

**Rejection of Claim 16 under 35 U.S.C. §102(e)**

Claim 16 is rejected under 35 U.S.C. §102(e) as being anticipated by Reynolds *et al.* (US No. 5,784,549). Applicant traverses the Examiner's rejection for the following reasons.

In support of the rejection, the Examiner wrote that:

“Reynolds et al. disclose the method of . . . checking the conflict inside the computer by non-removable media inside the computer when the computer has the operating system fully loaded and the user friendly GUI is present 9see col. 7, lines 54-65);  
repairing any conflicts by non-removable media inside the computer upon detection of the conflicts (see col. 7, 8-23);  
returning to a user friendly GUI for the operating system if all conflicts have been repaired (see col. 7, lines 39-60).”

Col. 7, lines 54-65 of Reynolds *et al.* '549 describes how to solve the problem of a system crash encountered upon installation of a new peripheral device. Reynolds *et al.* '549 explains that:

1) The next time that the user turns on the computer, the system attempts a normal bootstrap load (Step DB)” (col. 7, lines 60-62).

2) If the load sequence succeeds so that operating system 150 can run normally (Step DC), all is well (col. 7, lines 62-64).

3) If not, however, the system reboots using the fail-safe mode (Step DD) (col. 7, lines 64-65).

4) Once the operating system is up and running in fail-safe mode, the user invokes a repair program (Step DE) (col. 8, lines 1-3).

5) Thereafter, the user issues a command to reboot the system (Step DG) (col. 8, lines 7-8).

Applicant's claim 16 recites that "checking for a conflict inside said computer by non-removable media inside said computer when said computer has **said operating system fully loaded and said user friendly graphical user interface is present.**" FIG. 5C of Reynolds *et al.* '549, however, shows the step DC that determines whether **boot** is succeeded, which indicates that the step DC is apparently before the operating system is fully loaded. Therefore, Reynolds *et al.* '549 teaches to check for a conflict before the operating system is fully loaded and before the GUI is present.

Reynolds *et al.* '549 discloses repairing step in col. 8, lines 1-3 (step DE), but the repairing step is after the system reboots using the fail-safe mode. Applicant's claim 16 recites that "repairing any conflicts by non-removable media inside said computer upon detection of said conflicts **in said checking step.**" Reynolds *et al.* '549 does not teach to repair the conflict in step DC.

Reynolds *et al.* '549 teaches to boot the system again after the repairing step (step DG, col.

8, lines 7-8). Applicant claim 16 recites that “**returning to a user friendly graphical user interface** for said operating system **if all conflicts have been repaired.**” Reynolds *et al.* ‘549 teaches to reboot the system, while Applicant’s claim 16 recites to return to the GUI.

Therefore, Applicant submits that there is no anticipation. Withdrawal of the rejection is respectfully requested.

**Rejection of Claim 39 under 35 U.S.C. §102(e)**

Claim 39 is rejected under 35 U.S.C. §102(e) as being anticipated by Reynolds *et al.* (US No. 5,784,549). Applicant traverses the Examiner’s rejection for the following reasons.

As discussed regarding claim 16, Reynolds *et al.* ‘549 **teaches to boot the system again** after the repairing step (step DG, col. 8, lines 7-8). Applicant’s claim 39 recites that “the checking and the repairing steps occurring when the computer is at desktop, **the returning step not being a booting step.**” Therefore, there is no anticipation. Withdrawal of the rejection is respectfully requested.

**Rejection of Claim 23 under 35 U.S.C. §103(a)**

Claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over Reynolds *et al.* in view of Jeon *et al.* (US No. 6,122,734). Applicant traverses the Examiner’s rejection for the following reasons.

In support of the rejection, the Examiner wrote that:

“Jeon *et al.* disclose CD-ROM backing up all files stored on the non-removable media (see col. 5, lines 9-55).”

Jeon *et al.* '734 discloses to record the master file on the CD-ROM disk by the CD-ROM recorder 50 (col. 5, lines 52-53). Applicant's claim 23, however, has another feature, which the Examiner has not considered. Claim 23 recites that "said CD-ROM . . . , and **partitions and formats said non-removable media** inside said computer after booting said computer and prior to installation of said operating system onto said computer." None of the cited references teaches to partitions and formats said non-removable media after booting said computer and prior to installation of said operating system onto said computer. Therefore, there is no motivation to combine the teachings of the references. Withdrawal of the rejection is respectfully requested.

**Rejection of Claim 27 under 35 U.S.C. §103(a)**

Claim 27 is rejected under 35 U.S.C. §103(a) as being unpatentable over Reynolds *et al.* in view of Jeon *et al.* (US No. 6,122,734). Applicant traverses the Examiner's rejection for the following reasons.

First, as discussed regarding claim 16, Reynolds *et al.* '549 teaches to check the conflict before operating system and GUI are loaded. The step DC in FIG. 5 of Reynolds *et al.* '549 clearly teaches to reboot if there is conflict during boot process. The conflict is found during the boot process, which is before the operating system is fully loaded.

Second, the Examiner hasn't pointed what element of Reynolds *et al.* '549 the Examiner interprets as a non-removable conflict control unit of Applicant's claim 27. Applicant's claim 27

recites that whenever a conflict within the computer is encountered, a non-removable conflict control unit is accessed by the computer. FIG. 5 of Applicant drawing shows conflict control unit 500 that is coupled to the other elements of the computer, and page 6, lines 17-21 of Applicant original specification describes the conflict control unit 500. Therefore, the meaning of the non-removable conflict control unit is clearly defined in Applicant's specification.

Reynolds *et al.* '549 is silent to what element is accessed whenever boot is not successful. Reynolds *et al.* '549 merely teaches that processor 105 responds by loading the applications program (col. 7, lines 14-15). The Examiner is respectfully requested to clearly point out what element the Examiner interprets as the conflict control unit of Applicant's claim 27.

Therefore, there is no motivation to combine the teachings of Reynolds *et al.* '549 and Jeon *et al.* '734. Withdrawal of the rejection is respectfully requested.

**Rejection of Claim 30 under 35 U.S.C. §103(a)**

Claim 30 is rejected under 35 U.S.C. §103(a) as being unpatentable over Reynolds *et al.* in view of Jeon *et al.* (US No. 6,122,734). Applicant traverses the Examiner's rejection for the following reasons.

In support of the rejection, the Examiner wrote that:

"Reynolds *et al.* disclose the conflicts selected from the group consisting of system registry and hardware information (see col. 5, lines 39-60)."

Applicant submits that the Examiner has not fully considered the feature recited in

Applicant's claim 30. Claim 30 recites that "said conflict being selected from . . . , **said conflict not interfering with the booting process**, the loading of said operating system process and the loading of said user-friendly graphical user interface germane to said operating system."

Reynolds *et al.* '549 teaches that the conflict is involved in booting process (step DC in FIG. 5C, col. 7 lines 54-65). Therefore, there is no motivation to combine the teachings of the cited references. Withdrawal of the rejection is respectfully requested.

#### **Rejection of Claim 1 under 35 U.S.C. §103(a)**

Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over Myers *et al.* (US No. 6,170,055) in view of McGill, III *et al.* (US No. 5,469,573). Applicant traverses the Examiner's rejection for the following reasons.

Applicant's claim 1 reads "a program image consisting of . . . **a list of** the operating system and application programs." Even though McGill, III *et al.* '573 teaches to record operating system program and application programs, McGill, III *et al.* '573 does not teach to record a list of the operating system and application programs. The list is an element different from the operating system program and the application programs. The program image of Applicant's claim 1 includes three groups of elements: an operating system, application programs, and a list of the operating system and the application programs.

The list of the operating system and the application programs cannot be interpreted as a part of the operating system program and the application programs, but should be interpreted as a separate element. Applicant claim 3 recites that a code unit for **displaying the list**. If there is no list

in the recording medium, how will the code unit display the list? Therefore, the list is a necessary element, and Applicant's claim 1 positively and explicitly recites the presence of the list in the recording medium.

None of the cited references suggests to record the list of operating system program and application programs in a recording medium. Therefore, there is no motivation. Withdrawal of the rejection is respectfully requested.

**Rejection of Claim 14 under 35 U.S.C. §103(a)**

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Myers *et al.* (US No. 6,170,055) in view of McGill, III *et al.* (US No. 5,469,573). Applicant traverses the Examiner's rejection for the following reasons.

In support of the rejection, the Examiner wrote:

“Meyer et al. disclose . . . backing up data files stored in the auxiliary memory and formatting the auxiliary memory (see col. 13, lines 1-26).”

Applicant's claim 14 reads in part “(b.2) backing up data files stored in the auxiliary memory and **formatting the auxiliary memory.**” Meyers *et al.* '055 does not teach the step of formatting the auxiliary memory. Meyers *et al.* '055 teaches that in step 118, “the recovery software may prompt the user to ascertain if a backup of the computer's hard disk exists” (col. 13, lines 15-17). If a backup exists, then in step 122, the user is prompted to restore the backed up files (col. 13, lines 17-19). If a backup does not exist, Meyers *et al.* '055 teaches to contact service organization in step



120.

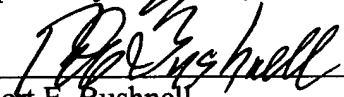
None of these processes is relevant to the steps of formatting as set forth in Applicant's claim 14. Meyers *et al.* '055 does not teach to format the hard disk, but teaches to contact service organization if the error persists. Therefore, there is no suggestion to combine the teachings of the references. Withdrawal of the rejection is respectfully requested.

**Conclusion**

In view of the above, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections and objections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

No fee is incurred by this response.

Respectfully submitted,

  
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